



~~September 20, 2005 CPC~~
~~October 18, 2005 CPC~~
~~January 17, 2006 CPC~~
~~February 21, 2006 CPC~~
~~March 21, 2006 CPC~~
April 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SN0328

Bernard Savage

Matoaca Magisterial District
Swift Creek Elementary, Midlothian Middle and Midlothian High Schools Attendance Zones
Northeast quadrant of Genito and Woolridge Roads

REQUEST: Rezoning from Agricultural (A) and Residential (R-9) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A single family residential development on minimum 6,000 square-foot lots is planned. The applicant has agreed to develop a maximum of thirteen (13) lots, yielding a density of approximately 2.4 dwelling units per acre (Proffered Condition 1). Currently, on that portion of the property zoned Residential (R-9), conditions of zoning would allow up to eight (8) dwelling units. The Plan would support up to 2.0 dwelling units per acre on the Agricultural (A) portion, which would yield an additional five (5) lots, for a total of up to thirteen (13) lots.

RECOMMENDATION

Recommend approval subject to the applicant addressing concerns relative to the provision of an adequate size area for a focal point and the location of sidewalks. This recommendation is made for the following reasons:

- A. The number of proposed lots does not exceed that allowed by the existing zoning on that part of the property already zoned residentially and that permitted by the Plan on that part of the property proposed to be rezoned.
- B. With respect to the Textual Statement and the proffers, the size of the focal point at the entrance to the development and the lack of sidewalks along the street

adjacent to where lots front fail to meet the typical standards for developments having lots less than 12,000 square feet.

- C. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvements Program, and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITION

The Textual Statement, dated February 21, 2006, shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

1. The density shall not exceed thirteen (13) units. (P)
2. Each lot shall have an area of not less than 6,000 square feet and a minimum lot width of not less than 31 feet. (P)
3. All buildings, including accessory buildings, on any lot shall not cover more than 40 percent of the lot's area. (P)
4. Minimum building setback from the proposed rights-of-way of major arterials (North Woolridge Road and Genito Road) shall be 87 feet. (P)
5. Prior to any site plan approval, the Applicant shall dedicate forty-five (45) feet of right-of-way on the north side of Genito Road and forty-five (45) feet of right-of-way on the east side of North Woolridge Road, measured from the centerlines of those roads immediately adjacent to the property, free and unrestricted to and for the benefit of Chesterfield County. (T)
6. There shall be no direct access from the property to Genito Road or North Woolridge Road. (T)
7. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and accepted into the State System. Prior to any site plan approval, forty (40)-foot wide rights-of-way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of

Chesterfield County. Prior to the issuance of an occupancy permit, unless otherwise approved by the Transportation Department, the Public Roads shall be constructed and approved for state acceptance. (T)

8. A minimum of 2.53 acres shall be provided as Common Open Space, inclusive of easements and recreational area. (P)
9. A sidewalk shall be provided from the entrance at Mariner's Way extending through the Common Open Space and terminating at a viewing area on an easement within the southern portion of the project. (P)
10. Street trees shall be provided along both sides of public roads within the development. (P)
11. A minimum of 0.27 acres (of the 2.53 acres of Common Open Space) shall be provided generally in the center of the development to serve as a focal point. Part of this area shall be hardscaped and have benches and other amenities that accommodate and facilitate gatherings. (P)
12. Any Common Open Space/Recreation area shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)
13. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit the garage serves. (P)
14. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there is to be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
15. No run-off from any impervious surfaces shall be discharged to the east. (EE)
16. Temporary erosion control measures shall be incorporated into the existing downstream storm water management BMP located off-site in Section 1 of Edgewater. This plan will include a baffle system that incorporates floc logs consisting of anionic polyacrylamide (PAM) that shall intercept and treat storm runoff for the Views at Edgewater and contributing watershed area to the north. (EE)
17. The temporary sediment basin(s) constructed to achieve the 0.22 phosphorus standard in accordance with the erosion and sediment control permit shall remain in place until a permanent solution is in place. The permanent solution could include an on-site rain garden to improve water quality in combination with the deepening of the existing off-site storm water management BMP in Section 1 of

Edgewater to provide additional water quality volume. The solution will be reviewed and approved by the Department of Environmental Engineering. (U)

18. Public water and wastewater shall be used. (U)
19. All thirteen (13) units shall be designated for age restricted, senior housing as defined herein and shall be noted on the site plan and/or on any subdivision plat.
20. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein."
21. Impact on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for the infrastructure improvements within the service district for the Property:
 - a) \$10,269 per dwelling unit, if paid prior to July 1, 2006;
 - b) The amount approved by the Board of Supervisors but not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.
 - c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
22. All dwelling units shall have a minimum gross floor area of 1,500 square feet (BI & P)
23. Architectural Treatment.
 - a. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
 - b. The architectural appearance shall employ the following materials: brick or stone veneer, composition siding, hardiplank or vinyl siding and 20 year asphalt shingles. (BI & P)

GENERAL INFORMATION

Location:

Northeast quadrant of Genito and Woolridge Roads. Tax IDs 719-685-2188 and 3788; 719-686-1637, 2337, 2706, 3038, 3423 and 4238; 719-687- Part of 2245; and 720-686- Part of 3234 (Sheet 9).

Existing Zoning:

A and R-9

Size:

5.5 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-9; Single-family residential
South - A; Single-family residential or commercial
East - R-9 and A; Single-family residential or vacant
West - R-9; Single-family residential

UTILITIES

Public Water System:

An eight (8) inch water line extends along the south side of Mariners Way, adjacent to this request site. In addition, a sixteen (16) water line extends along both West Woolridge and Genito Roads, adjacent to this site. Use of the public water system is recommended by the Upper Swift Creek Land Use Plan. Use of public water is intended and has been proffered. (Proffered Condition 18)

Public Wastewater System:

A sixty (60) inch wastewater trunk line extends within an easement parallel to the north side of Genito Road, across this site. The Upper Swift Creek Plan recommends the use of the public wastewater system. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 18).

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains in two (2) directions. Approximately two-thirds of the property drains to the southwest under North Woolridge Road through two (2) existing BMPs into Swift Creek Reservoir. The other one-third of the property drains to the east where there are currently no drainage problems, however, it is inevitable that without re-directing sheet flow from the proposed impervious areas that drainage problems will occur. (Proffered Condition 15)

The property is located in Upper Swift Creek Watershed and, as such, they will be required to pay a pro rata fee for construction of Regional BMPs and a \$100 fee per residential lot for maintenance. The proffered conditions adequately address short term erosion control above the minimum standards as well as long term water quality issues. (Proffered Conditions 16 and 17)

The property is mostly wooded and should not be timbered without first obtaining a land-disturbance permit from the Environmental Engineering Department (Proffered Condition 14). This will insure that adequate erosion control measures are in place prior to any land disturbance.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on thirteen (13) dwelling units, this request will generate approximately three (3) calls for fire and emergency medical service (EMS) each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 21)

The Swift Creek Fire Station, Company Number 16, currently provides fire protection and EMS. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Since this project is age-restricted, there will be no impact on the public school system.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development in this area of the County would most likely impact the Clover Hill Library, the Midlothian Library or a proposed new branch in the Genito Road area. The Public Facilities Plan indicates a need for additional library space in this area of the County. The applicant has addressed the impact of this proposed development on library facilities. (Proffered Condition 21)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has addressed the impact of this proposed development on these Parks and Recreation Facilities. (Proffered Condition 21)

Transportation:

The property is 5.5 acres located at the northeast corner of the Genito Road/Woolridge Road intersection. The applicant is requesting rezoning from Agricultural (A) and Residential (R-9) to Residential-Townhouse (R-TH) with a Conditional Use Planned Development to permit exceptions to Ordinance requirements.

The applicant has proffered to limit the density on the property to thirteen (13) units (Proffered Condition 1). Based on trip rates for townhouses, development could generate approximately 135 average daily trips. These vehicles will initially be distributed to North Woolridge Road/Watermill Parkway, which had a 2004 traffic count of 6,386 vehicles per day (vpd). Based on the volume of traffic it carries during peak hours, North Woolridge Road/Watermill Parkway is functioning at an acceptable level (Level of Service D).

The Thoroughfare Plan identifies North Woolridge Road and Genito Road as major arterials with recommended right of way widths of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerlines of both roads, in accordance with that Plan. (Proffered Condition 5)

Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation. Access to major arterials, such as

Genito Road and Woolridge Road, should be controlled. The applicant has proffered no direct access from the property to either road (Proffered Condition 6). The applicant intends to access the property from Mariners Way, a subdivision road adjacent to the property.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has proffered to contribute cash towards mitigating the traffic impact of this development (Proffered Condition 21). Cash proffers alone will not cover the cost of the road improvements needed in this area. There are no projects in this area currently included in the Six-Year Improvement Plan.

The Zoning Ordinance allows streets within multi-family developments to be privately maintained. Staff recommends that all of the main streets within this project be accepted into the State Highway System. Having these streets accepted into the State Highway System will ensure their long-term maintenance. The applicant has proffered that all streets which accommodate general traffic circulation will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System. (Proffered Condition 7)

During subdivision review, specific recommendations will be made regarding internal circulation.

<u>Financial Impact on Capital Facilities:</u>		PER UNIT
Potential Number of New Dwelling Units	13*	1.00
Population Increase	35.36	2.72
Number of New Students		
Elementary	0.00	0.00
Middle	0.00	0.00
High	0.00	0.00
TOTAL	0.00	0.00
Net Cost for Schools	0.00	0.00
Net Cost for Parks	7,852	604
Net Cost for Libraries	4,537	349
Net Cost for Fire Stations	5,265	405
Average Net Cost for Roads	116,246	8,942
TOTAL NET COST	133,900	10,300

*Based on a proffered maximum of thirteen (13) dwelling units (Proffered Condition 1). The actual number of units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on roads, parks, libraries and fire stations at \$10,300 per unit. The applicant has been advised that a maximum proffer of \$10,269 per unit would defray the cost of the capital facilities necessitated by this proposed age-restricted development, as it will not have an increased impact on school facilities. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 21)

Note that circumstances relevant to this case, as presented by the applicant have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. The Plan is currently being revised. The draft Plan, as recommended by the Planning Department,

also suggests the property is appropriate for residential use of 2.0 dwelling units per acre or less.

Area Development Trends:

Area properties to the north and west and a portion of adjacent property to the east are zoned Residential (R-9) and developed for single-family residential uses in the Edgewater At The Reservoir subdivision. The remaining adjacent property to the east and property to the south are zoned Agricultural (A) and are occupied by single family residential uses. It is anticipated residential uses as suggested by the Plan will continue in this area.

Zoning History:

On May 25, 1988, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning on a portion of the request property and on other area properties, to permit a mixed use development (Case 88S008, Greenspring). Conditions of zoning approval for Case 88S008 addressed density and land use compatibility issues. At the time of the original Greensprings zoning, the Upper Swift Creek Plan suggested densities of 2.2 dwelling units per acre in those areas designated for residential uses. The zoning ultimately capped the development within the residential designation at those densities, but allowed flexibility within individual tracts provided the density limitations are not exceeded within the overall development. Case 88S008 allowed the R-9 portion (2.71 acres) of the request property to be developed at a density of up to 3.0 dwelling units per acre, yielding a maximum of eight (8) dwelling units on that portion of the property.

On September 27, 1995, the Board of Supervisors approved amendments to Case 88S008 on a portion of the request property and on other area properties, all of which was part of the property zoned with Greenspring (Case 95SN0307).

Development Standards:

The proposal is to rezone the property to the Residential Townhouse (R-TH) classification and develop a cluster residential use. Units would be detached. Increased minimum lot sizes and setbacks from major arterials, as well as a decrease in maximum lot coverage, from that allowed in an R-TH District have been proposed (Proffered Conditions 2, 3 and 4). The development will have some of the standards typical of single-family residential development on lots less than 12,000 square feet. (Proffered Conditions 8 through 13)

Density:

As previously noted, the Upper Swift Creek Plan suggests a density of 2.0 dwelling units per acre or less is appropriate for this area. Staff has indicated that a proposal limiting development on the R-9 property to a maximum of 3.0 dwelling units per acre, as

approved with the existing zoning, and to 2.0 dwelling units per acre on the remainder, per the Plan, could be supported. These densities would allow a maximum of thirteen (13) dwelling units, as proposed with Proffered Condition 1.

The applicant has requested exceptions to required setbacks and to minimum acreage requirements for R-TH zoning. (Textual Statement, 1. through 4.)

Cluster Standards:

The requirements offered for cluster projects are consistent with those typically required by the Commission and Board of Supervisors on similar projects recently approved except that the size of the focal point as you enter the development fails to meet the typical standard established for small lot developments (Proffered Condition 11) and the applicant has not agreed to provide sidewalks along the street adjacent to where lots front. Instead, a sidewalk is proposed within the development, through common open space not specifically identified. (Proffered Condition 9)

Buffers:

To address concerns expressed by area property owners, the applicant has agreed to provide a buffer within recorded open space adjacent to certain properties. (Textual Statement 5)

Recreational Facilities:

The applicant has proffered that Common Open Space/Recreation areas will not include equipment or facilities primarily associated with children's play. (Proffered Condition 12)

CONCLUSIONS

While the proposed densities exceed that suggested by the Upper Swift Creek Plan which suggests the property is appropriate for 2.0 units per acre or less, the proposed number of units, do not exceed that allowed on the portion of the property already zoned residentially plus the number of units suggested by the Plan on that part of the property to be rezoned residentially. The proposed development has been submitted with a density of approximately 2.4 dwelling units per acre.

In developments where single family residential lot sizes are proposed below 12,000 square feet, the Planning Commission and Board of Supervisors have typically approved quality standards (Cluster Standards) such as street trees, sidewalks, and increased open spaces for focal points and recreation. The size of the proposed focal point as one enters the development fails to meet the typical standard established for small lot developments. Similarly, while the applicant has provided for pedestrian circulation, the sidewalks are not proposed along the street adjacent to where lots front.

The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, staff recommends approval of this request, subject to the applicant addressing concerns relative to the provision of an adequate size area for a focal point and the location of sidewalks.

CASE HISTORY

Applicant (9/19/05):

Revisions to the proffered conditions and Textual Statement were submitted.

Planning Commission Meeting (9/20/05):

On their own motion, the Commission deferred this case to October 18, 2005.

Staff (9/21/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than September 26, 2005, for consideration at the Commission's October 18, 2005, public hearing.

Staff, Applicant and Matoaca District Commissioner (9/28/05):

A meeting was held to discuss this request.

Staff (9/30/05):

To date, no new information has been received.

Planning Commission Meeting (10/18/05):

At the request of the applicant, the Commission deferred this case to January 17, 2006.

Staff (10/19/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than November 14, 2005, for consideration at the Commission's January 17, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Staff, Applicant, Clover Hill and Bermuda Commissioners (12/20/05):

A meeting was held to discuss the proposal. Concerns were expressed relative to the number of lots and water quality.

Staff (12/22/05):

To date, no new information has been submitted.

Applicant (1/11/06):

A revised plan was submitted.

Planning Commission Meeting (1/17/06):

On their own motion, the Commission deferred this case to February 21, 2006.

Staff (1/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 25, 2006, for consideration at the Commission's February 21, 2006, public hearing.

Staff (1/27/06):

Revised proffered conditions and Textual Statement were received.

Applicant (2/21/06):

Revisions to the Textual Statement were submitted.

Planning Commission Meeting (2/21/06):

Mr. Litton expressed concerns that the proffers fail to address minimum house size and architectural treatment.

Mr. Gulley noted that the case had been previously deferred by the Commission to address concerns relative to water quality. He indicated that there had been no concerns previously as to house size and architectural treatment. He stated the applicant had, during the deferral period, addressed the concerns previously expressed.

Mr. Gecker expressed a desire to have input from Mr. Bass, the Matoaca District Commissioner, who was not present.

Therefore, on their own motion, the Commission deferred this case to their March 21, 2006, public hearing.

Staff (2/22/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than February 27, 2006, for consideration at the Commission's March public hearing.

Staff (3/2/06):

To date, no new information has been submitted.

Applicant (3/15/06 and 3/21/06):

Additional proffered conditions were submitted.

Planning Commission Meeting (3/21/06):

There was opposition present. Concerns were expressed relative to drainage and the impact of this development on downstream Best Management Practice (BMP) facilities. Several area citizens noted the existing BMPs have not functioned properly since installation and this development would further impact these facilities.

The Commission noted the existing BMPs should be cleaned up, made functional and certified prior to this case moving forward.

The applicant requested a deferral and indicated the BMP facilities would be cleaned up before the next public hearing.

At the request of the applicant, the Commission deferred this case to their April 18, 2006, public hearing.

Staff (3/22/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 27, 2006, for consideration at the Commission's April 18, 2006, public hearing.

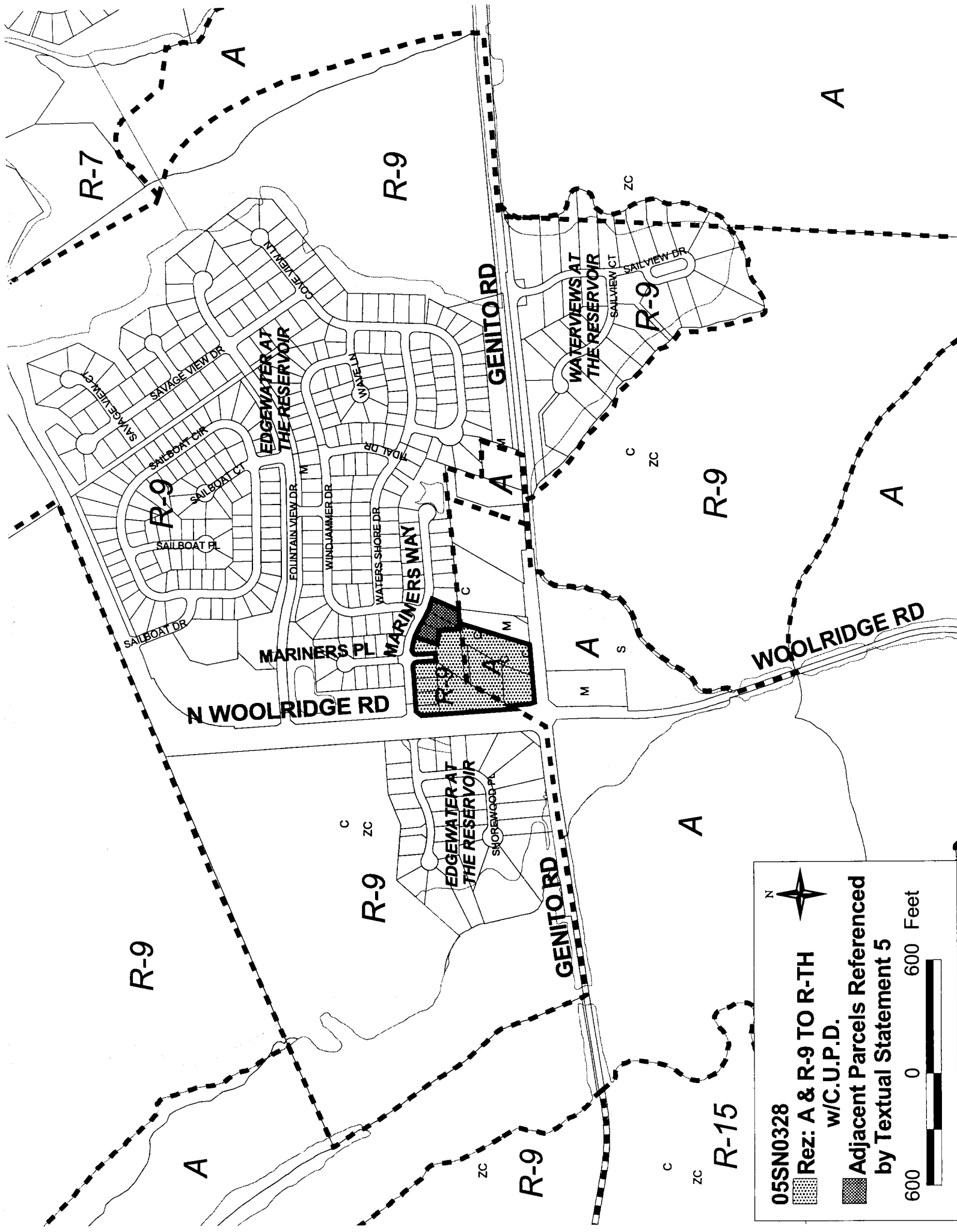
Also, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (3/31/06):

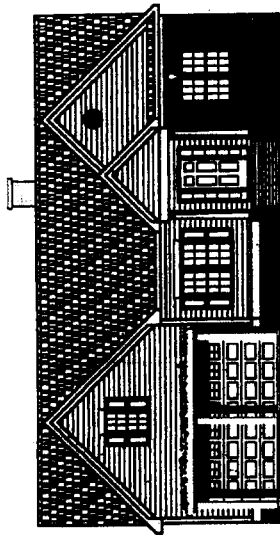
To date, no new information has been submitted nor has the deferral fee been paid.

Textual Statement

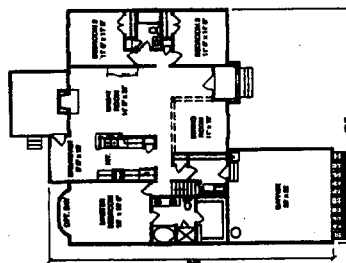
1. The minimum side yard shall be five (5) feet.
2. The minimum corner side yard shall be 15 feet.
3. The minimum rear yard shall be twenty (20) feet.
4. The development shall have a minimum of 5.54 acres.
5. A minimum 50 foot buffer shall be provided along the eastern property boundary adjacent to Tax Id 719-686-5036, 719-686-5633, 719-686-6230. This buffer shall be located within recorded open space and shall be exclusive of any utilities which run generally parallel to the buffer.



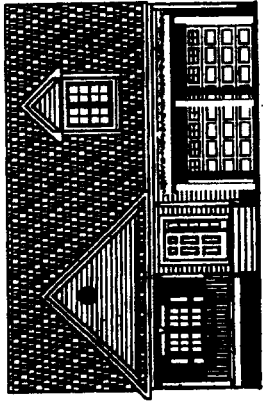
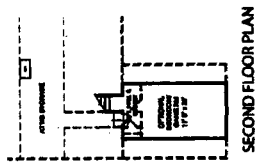
CONCEPTUAL FLOOR PLANS



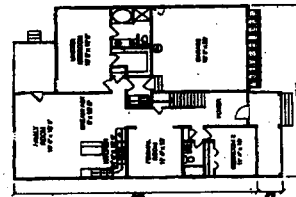
Village Traditional 1



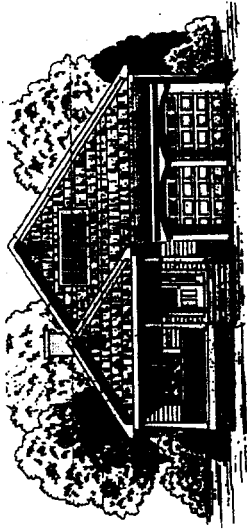
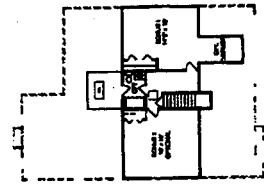
FIRST FLOOR PLAN	1,695 SQFT
SECOND FLOOR PLAN	268 SQFT
GARAGE	440 SQFT
TOTAL	2,403 SQFT



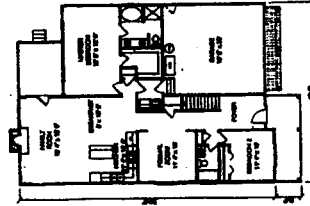
Village Traditional 2



FIRST FLOOR PLAN	1,607 SQFT
SECOND FLOOR PLAN	743 SQFT
GARAGE	467 SQFT
OPEN	0
TOTAL	2,817 SQFT



Village Cottage



FIRST FLOOR PLAN	1,607 SQFT
SECOND FLOOR PLAN	887 SQFT
GARAGE	467 SQFT
OPEN	0
TOTAL	2,961 SQFT



Illustrations complete based on current
models of Master Street Homes

Exhibit A